

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27(a))-NONPROFIT ORGANIZATION**

DOCKET NUMBER: 0746.2003-001

Applicant or Patentee: Masanori Terajima, John Cruz and Chester A. Ennis
Application or Patent No.: 10/764,985
Filed or Issued: January 26, 2004
Title: Identification of Gene Sequences and Proteins Involved in Vaccinia Virus Dominant T Cell Epitopes

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION University of Massachusetts Medical School
ADDRESS OF NONPROFIT ORGANIZATION 365 Plantation Street, Suite 130
Worcester, Massachusetts 01605

TYPE OF NONPROFIT ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C.501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF
LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

I hereby state that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each additional person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING Chester A. Bisbee, Ph.D., J.D.
TITLE IN ORGANIZATION OF PERSON SIGNING Acting Director, OTM
UMass Medical School, OTM
ADDRESS OF PERSON SIGNING 365 Plantation St., Suite 130, Worcester, MA 01605
SIGNATURE Chester A. Bisbee DATE 5/10/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Identification of Gene Sequences and Proteins Involved in Vaccinia Virus Dominant T Cell Epitopes

the specification of which (check one)

- [] is attached hereto.
- [X] was filed on January 26, 2004 as United States Application Number 10/764,985.
- [] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [OPTION and assigned United States Application No. []].
- [] and was amended on [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Masanori Terajima

Inventor's Signature  Date 4/12/04

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~~Worcester, Massachusetts 01604~~ Holden, Massachusetts 01520

Citizenship Japan MT

Mailing Address Same as above

Full name of second joint

inventor, if any John Cruz

Inventor's Signature _____ Date _____

Residence 12 Lexington Road

Shrewsbury, Massachusetts 01545

Citizenship USA

Mailing Address Same as above

Full name of third joint

inventor, if any Francis A. Ennis

Inventor's Signature  Date 4/12/04

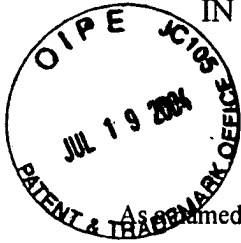
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Citizenship USA

Mailing Address Same as above

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)

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<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]

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Full name of sole

or first inventor Masanori Terajima

Inventor's Signature _____ Date _____

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Inventor's Signature *John Cruz* Date 4/4/04

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